

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

2019 SEP 16 PM 2:16

DEPUTY CLERK *PK*

UNITED STATES OF AMERICA

NO.

v.

MATTHEW ALAN RUSHING

**3 - 19CR - 469 - S**

**FACTUAL RESUME**

In support of Matthew Alan Rushing's plea of guilty to the offense in Count One of the Information, Rushing, the defendant, Robert L. Rogers, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

**ELEMENTS OF THE OFFENSE**

To prove the offense alleged in Count One of the Information, charging a violation of 18 U.S.C. §1001, that is, False Statement, the government must prove each of the following elements beyond a reasonable doubt:<sup>1</sup>

- First.* That the defendant made a false statement regarding a matter within the jurisdiction of a executive branch federal agency, the National Highway Traffic Safety Administration (NHTSA), as charged in the information;
- Second.* That the defendant made the statement intentionally, knowing that it was false;
- Third.* That the statement was material; and
- Fourth.* That the defendant made the false statement for the purpose of misleading the NHTSA, part of the executive branch which provided the federal grant funds which were used to pay for defendant Rushing's overtime work.

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<sup>1</sup> Fifth Circuit Pattern Jury Instruction 2.45 (5th Cir. 2015).

**STIPULATED FACTS**

1. On or about May 6, 2019, defendant Matthew Alan Rushing did willfully and knowingly make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States, by signing an "Officer's Daily Grant Activity Report, FY 2018-19" which contained a false statement/report which listed false and fraudulent traffic citations during the reporting period covered by this report. Rushing submitted this report in order to collect overtime pay funded by federal grant funds from the National Highway Traffic Safety Administration (NHTSA). Some of the citations listed on this report were false because one or more of the citations listed on the report were based on fictional events and fictitious persons.

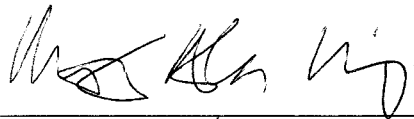
2. During the period from October, 2018 through July, 2019, in order to collect overtime pay from federal grant funds, all DPD officers were required to sign and submit a document entitled "Officer's Daily Grant Activity Report" (report). The following statement appeared on each report, right below the signature line of each DPD officer who signed the report: "I understand that this information is being submitted to support a claim against a federally-funded grant program. False statements on this form may be prosecutable under 18 U.S.C. 1001. The information on this form is true, correct, and complete to the best of my knowledge and ability." A false statement on this form was a false statement within the jurisdiction the NHTSA, a federal agency. NHTSA grant funds were administered by the Texas Department of Transportation and the Dallas Police Department.

3. During this period, Rushing wrote at least 38 false and fraudulent citations. Rushing created false citations by submitting citations for persons and events that did not exist. After Rushing concluded a traffic stop, he created a false citation by altering the violator's true identity (the order of their first, middle, or last name, their date of birth, etc.) to create a false identity. Rushing submitted several false reports which included one or more false citations. In his false reports, Rushing used a "fictitious person" as the traffic offender when he wrote up one or more false citations. When Rushing submitted false citations, arrest warrants were sometimes unlawfully issued for some of the false citations. Rushing also submitted false citations to drivers once they had departed the scene of the initial contact. These persons were often unaware that additional false and fraudulent citations had been written in their name.


4. The defendant agrees that the defendant committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count One of the Information.

**--- NOTHING FURTHER ON THIS PAGE ---**

AGREED TO AND STIPULATED on this 16<sup>th</sup> day of September, 2019.

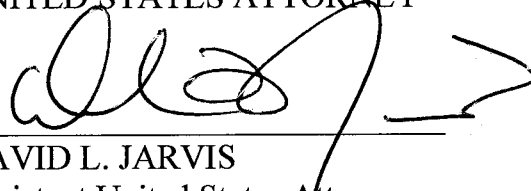


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Defendant



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